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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,088	12/30/2003	Mikko Jaakkola	KOLS.083PA	6864
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Hollingsworth & Funk, LLC 8009 34th Avenue South Suite 125 Minneapolis, MN 54425			EXAMINER	
			THIER, MICHAEL	
		ART UNIT	PAPER NUMBER	
		2617		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/748,088	<b>Applicant(s)</b> JAAKKOLA ET AL.
	<b>Examiner</b> MICHAEL T. THIER	<b>Art Unit</b> 2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

- 1) Responsive to communication(s) filed on 04 December 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                        |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/04/2008</u> | 6) <input type="checkbox"/> Other: _____   |

#### **DETAILED ACTION**

##### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/4/2008 has been entered.

##### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

##### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 8-12, 19, 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubosawa (US 2002/0183062) in view of Halonen (WO 99/45733).

**Regarding claims 1, 9, and 21.** Kubosawa teaches a mobile terminal, method, and computer readable medium comprising: (figure 1)

a user interface (figure 1 item 62) and a handover algorithm (par. 11-12, 27, and 31-33), a user interface component of the terminal being adjustable in an inactive state or in an active state, (see figure 2 items S8, S9, and S10, specifically where it judges the instruction of the user and if there is no input it does not handover, and if there is input at step S9, it executes the handover. The idea of judging the instruction of the user and detecting an input reads on the interface being active and inactive, i.e. no input is inactive, while an input is active.)

wherein the terminal is configured to check the state of the user interface component, (figure 2 item S9) and

if the current state of the user interface component is active, the terminal is configured to apply, on the basis of the checking, the handover algorithm configured to select one of the at least two available channels to be used for a connection from the mobile terminal. (see figure 2 items S9, which then goes to execute the handover based on the instruction of the user, and if no input is made by the user, it does not perform a handover but goes back to step S3, i.e. applying the handover on the basis of the checking, only when the state of the user interface is active.)

Although Kubosawa teaches that if there is no input from the user (figure 2, item S9, no input, i.e. the keypad has no input, thus clearly reading on a user interface component being inactive) the device will not handover, he does not specifically disclose that the handover algorithm will be prevented.

Halonen teaches a handover method and system (title and abstract). He clearly teaches the idea of "preventing...application of the handover algorithm to detect...need

for the mobile terminal to change to another channel..." on page 9 at lines 19-21. He clearly states that the hand over algorithm can be stopped, thus "preventing" the handover algorithm. Further see page 3 lines 17-19 which states that an advantage of the method is that it is not necessary to keep checking for a possible hand over in situations, which can clearly be interpreted as the hand over algorithm being "prevented" since the system will not keep checking for possible hand over. This idea, of preventing the hand over algorithm, when combined with the ideas as in Kubosawa (i.e. that if there is no input from the user (figure 2, item S9, no input, i.e. the keypad has no input, thus clearly reading on a user interface component being inactive) the device will not handover), would allow for one of ordinary skill in the art to clearly see that preventing the handover algorithm, rather than just preventing the hand over itself, based on the user interface being inactive would have been obvious at the time of invention. As explained below, it would allow for a system that will not have to unnecessarily keep checking for possible hand over.

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the teachings of Halonen with the teachings as in Kubosawa. The motivation for doing so would have been to create a system and method that is not necessary to keep checking for possible handovers in certain situations. (Halonen page 3 lines 17-20).

**Regarding claims 2 and 10.** Kubosawa further teaches wherein the checking of the state occurs in response to changing the state of the user interface component. (see

par. 33, and par. 35 i.e. handover is done by instructing the controller 50 by using input keys 62, also see figure 2 item S9, i.e. judge instruction of user)

**Regarding claims 8 and 19.** Kubosawa further teaches wherein the handover algorithm determines a change between channels of different network technologies. (par. 37, the handover is performed between different communication systems, and a change in channel would thus be inherent.)

**Regarding claims 11 and 12.** Kubosawa further teaches wherein the terminal is configured to initiate the handover algorithm in response to the change from the inactive state to the active state. (see par. 33, and par. 35 i.e. handover is done by instructing the controller 50 by using input keys 62, also see figure 2 item S9, i.e. judge instruction of user, therefore when a key is pushed the key is changed from inactive to active, and the handover takes place, thus reading on this limitation.)

**Regarding claims 22, 24, and 26.** Kubosawa further teaches that checking the state further comprises checking the state of a mechanical user interface component in figure 1 item 62, which are input keys, (i.e. mechanical components).

**Regarding claims 23, 25, and 27.** Kubosawa further teaches the idea of performing measurements on the current state if the user interface is active. (see figure 2 item S4)

**Regarding claim 28.** Kubosawa further teaches wherein the apparatus is a mobile terminal with a user interface in figure 1.

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5. Claims 3-4, and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubosawa (US 2002/0183062) in view of Halonen (WO 99/45733) in further view of UK Patent Application GB 2289191 (hereinafter Motorola).

**Regarding claims 3-4 and 13-14.** Kubosawa and Halonen teach the limitations of the previous claims.

However, they do not distinctly disclose the limitations wherein the checking of the state occurs in response to detecting a new available network resource.

Motorola teaches a method, system, and computer readable medium for determining handover (abstract). He teaches on page 3 lines 1-10, the idea of deciding to perform a handover if the mobile station is near another coverage area (i.e. network resource). He further teaches the decision to handover being based on the need for handover in the same citation (i.e. quality of communications reads on the need for handover, since if the quality drops so low as to not allow communication, handover to another network would be required in order to continue communications.)

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the teachings of Motorola, into the teachings of Halonen and Kubosawa. The motivation for doing so would have been to allow for determining whether or not to perform handover based on intersystem cell association, and to allow for uninterrupted service provision between different communication systems. (Motorola page 1 lines 23-28 and page 2 lines 5-10)

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6. Claims 5, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubosawa (US 2002/0183062) in view of Halonen (WO 99/45733) in further view of Claxton (US 6178388).

**Regarding claims 5, 15, and 16.** Kubosawa and Halonen teach the limitations of the previous claims.

However, they do not distinctly disclose wherein the terminal comprises a body portion and a lid which is connected to the body portion and can be moved with respect to the body portion, and wherein the state of the lid in relation to the body portion is checked.

Claxton teaches the idea that flip phones (phones with 1<sup>st</sup> and 2<sup>nd</sup> portions) are well known in the art and that when the flip phone is closed (with key pads covered) they are inactive, and when opened they are active. (column 1 lines 48-59)(i.e. which clearly reads on “wherein the state of the lid in relation to the body portion is checked”, and checking the position of the 1<sup>st</sup> portion in relation to the 2<sup>nd</sup>).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the teachings of Claxton into the teachings of Halonen and Kubosawa. The motivation for doing so would have been to allow for the mobile device as in Kubosawa to be of the flip phone type, since it is a well-known and highly popular style mobile phone.

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7. Claims 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubosawa (US 2002/0183062) in view of Halonen (WO 99/45733) in further view of Cowsky, III et al. (US 2004/0204123).

**Regarding claims 6 and 17.** Kubosawa and Halonen teach the limitations of the previous claims.

However, they do not distinctly disclose wherein the terminal comprises a keypad and a keypad locking functionality for locking the keypad, whereby the state of the keypad locking is checked.

Cowsky teaches a flip phone with keypad in figure 1, he further teaches the idea of a locking functionality for locking the keypad in par. 2 to allow for making the keys inactive.

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the locking function as in Cowsky with the teachings of Halonen and Kubosawa. The motivation for doing so would have been to allow for locking the keypads and avoiding inadvertent keystrokes (Cowsky par. 1-2)

8. Claims 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubosawa (US 2002/0183062) in view of Halonen (WO 99/45733) in further view of Wren, III (US 2004/0248594).

**Regarding claims 7 and 18.** Kubosawa and Halonen teach the limitations of the previous claims.

However, they do not distinctly disclose wherein the terminal comprises a screen saver functionality, the state of which is detected, whereby the state of the user interface component is inactive when the screen saver functionality is applied and the state of the user interface component is active when the screen saver functionality is not applied.

Wren teaches the idea of having screen savers displayed on mobile phones in par. 55. He further teaches to display the screen saver when the device state is inactive, and not displaying it when the device is active (i.e. detecting the state of the device).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the teachings of Wren with the teachings of Halonen and Kubosawa. The motivation for doing so would have been to allow for the ever popular idea of personalizing the user device (Wren par. 55)

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kubosawa (US 2002/0183062) in view of Halonen (WO 99/45733) in further view of Harris et al. (US 6871074).

**Regarding claim 20.** Kubosawa and Halonen teach the limitations of the previous claims. He further teaches the idea of the terminal comprising a timer in figure 2, see item S3.

However they do not distinctly disclose wherein the terminal comprises a timer configured to determine the state of the user interface as inactive after a predetermined time period has elapsed after the latest user activity.

Harris teaches it is well known for a mobile terminal using a timer to transition the mobile to an off/inactive state upon the given time being elapsed (clearly shown in the abstract).

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the teachings of Harris with the teachings of Halonen and Kubosawa. The motivation for doing so would have been to increase system performance (abstract).

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. THIER whose telephone number is (571) 272-2832. The examiner can normally be reached on Monday thru Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on (571) 272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MICHAEL T THIER/  
Examiner, Art Unit 2617  
1/7/2009

/Alexander Eisen/

Supervisory Patent Examiner, Art Unit 2617